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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,338	01/30/2002	Robert G. Watkins	06975-232001	6135
26171	7590	07/21/2005	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	
DATE MAILED: 07/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,338

Applicant(s)

WATKINS, ROBERT G.

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Claims 1-92 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-92 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-92 are rejected under 35 U.S.C. 102(b) as being unpatentable over Cane [5,416,840].

3. As per claim 63, Cane discloses an apparatus for identifying an unauthorized client communication system seeking access to a host communication system, the apparatus comprising:

a performing device structured and arranged to perform a mathematical computation (i.e.: algorithm) on an access password and a client-communication-system-specific identifier [Cane, algorithm, col 4 lines 26-40; the hardware identifier and password, col 5 lines 20-43, Fig 4; formula, col 7 lines 40-col 8 line 3] and

a designating device structured and arranged to designate a client communication system as unauthorized based on a result of the mathematical computation [Cane, against unauthorized access, col 8 lines 45-68].

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4. As per claim 64, Cane discloses the mathematical computation comprises a hashing algorithm [Cane, encrypted authorization code, col 7 lines 1-8].
5. As per claim 65, Cane discloses the mathematical computation is performed when a communication is initiated [Cane, a formula, col 7 lines 40-65].
6. As per claim 66,67 Cane discloses the access password comprises a subscriber password [Cane, password, col 4 lines 26-36].
7. As per claim 68, Cane discloses the access password comprises an account password as inherent feature of user password.
8. As per claim 69, Cane discloses the client-communication-system-specific identifier varies based on the client communication system [Cane, hardware identifier, col 5 lines 20-43].
9. As per claim 70, Cane discloses the client-communication-system-specific identifier comprises a device-specific identifier system [Cane, hardware Identifier, col 5 lines 20-43].
10. As per claims 71,74 Cane discloses the device-specific identifier comprises a hard disk identifier system [Cane, hardware Identifier, col 5 lines 20-43].

11. As per claim 72, Cane discloses the device-specific identifier comprises an Ethernet address [Cane, a wired or wireless network, col 4 lines 57-68].

12. As per claim 73, Cane discloses the device-specific identifier comprises a central processing unit serial number [Cane, a host processor, col 4 lines 15-25].

13. As per claim 78, Cane discloses a device structured and arranged to terminate communications from the client communication system if the result of the first mathematical computation does **not** correspond to result of the host-based mathematical computation [Cane, not arithmetically computable, col 6 lines 35-45].

14. Claim 79 contain the similar limitations set forth in the apparatus claim 63. Therefore claim 79 is rejected for the same rationale set forth in the apparatus claim 63.

15. As per claim 80,81 Cane discloses the performing device includes a device for storing the result of the mathematical computation comprises storing the result on the client communication system, a performing device for performing a mathematical computation comprises performing the mathematical computation at the client communication system, and an access password storing device for storing the access password comprises storing the result on the host communication system [Cane, a working copy, col 3 lines 28-38].

16. As per claim 82, Cane discloses device structured and arranged to store the result on the client communication system [Cane, a working copy, col 3 lines 28-38].

17. Claims 83-92 contain the similar limitations set forth in the apparatus claims 64,66-74. Therefore claims 83-92 are rejected for the same rationale set forth in the apparatus claims 64,66-74.

18. Claims 1-12;19-43; 50-62 contain the similar limitations set forth in the apparatus claims 63-74,78-92. Therefore claims 1-12;19-43;50-62 are rejected for the same rationale set forth in the apparatus claims 63-74,78-92.

19. As per claim 75, Cane discloses a first computation result device structured and arranged to retrieve a result of

a first mathematical computation performed on the access password and the client-communication-system-specific identifier, [Cane, algorithm, col 4 lines 26-40;the hardware identifier and password, col 5 lines 20-43, Fig 4; formula, col 7 lines 40-col 8 line 3]

a retrieving device structured and arranged to retrieve the client-communication-system-specific identifier from the client communication system, and

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a device structured and arranged to retrieve a version (i.e.: a copy) of the access password located on the host communication system, [Cane, a working copy, col 3 lines 39-52]

wherein the performing device comprises a device for performing the mathematical computation at the host using the retrieved version of the access password located on the host communication system and the client-communication-system-specific identifier [Cane, a host processor, hardware identifier, password, col 4 lines 15-25]

the designating device comprises a device for designating the client communication system as unauthorized based on whether the result of the first mathematical computation corresponds to the result of the host-based mathematical computation [Cane, against unauthorized access, col 8 lines 45-68].

20. As per claims 76,77 Cane discloses retrieving the first mathematical computation result comprises a device for retrieving the result of the first mathematical computation from the client communication system as inherent feature of the predefined formula and compares it [Cane, formula, col 7 lines 40-col 8 line 3] .

21. Claims 13-15;44-46 contain the similar limitations set forth in the apparatus claims 75-77. Therefore claims 13-18;44-49 are rejected for the same rationale set forth in the apparatus claims 75-77.

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22. As per claims 16-18 Cane discloses sending a notification to the client communication system indicating the designation of the client communication system as an unauthorized client communication system if the result of the first mathematical computation does **not** correspond to the result of the host-based mathematical computation [Cane, not arithmetically computable, col 6 lines 35-45].

23. Claims 47-49 contain the similar limitations set forth in claims 16-18. Therefore claims 47-49 are rejected for the same rationale set forth in claims 16-18.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Patent Examiner
Art Unit 2142

